

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

PATRICIA BILLINGSLEY,  
Plaintiff,

v.

TRANS UNION, LLC,  
a foreign limited liability company,  
THE SWISS COLONY, LLC,  
a foreign corporation,  
jointly and severally,  
Defendants.

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**COMPLAINT AND JURY DEMAND**

**NOW COME THE PLAINTIFFS THROUGH COUNSEL, NITZKIN AND ASSOCIATES, BY GARY D. NITZKIN,** and for their Complaint against the Defendants, plead as follows:

**JURISDICTION**

1. Jurisdiction of this court arises under 15 U.S.C. §1681p.
2. This is an action brought by consumers for violation of the Fair Credit Reporting Act (15 U.S.C. §1681 et. seq [hereinafter “FCRA”]).

**VENUE**

3. Venue is proper before this court pursuant to 28 U.S.C. 1391(b) as the Defendants conduct business in Michigan, have registered office in Michigan or a substantial part of the events or omissions giving rise to the claims herein occurred in Michigan.

### **GENERAL ALLEGATIONS**

4. This FCRA case involves the reporting of a Swiss Colony account with account number 970802034\*\*\*\* on Plaintiff's Trans Union credit report that Plaintiff does not owe.
5. On or about April 23, 2013, Defendant Trans Union sent Plaintiff correspondence stating that they received Plaintiff's request for an Initial Fraud Alert and that this would remain on her credit report for 90 days.
6. On or about May 2, 2013, Plaintiff, through Michigan Consumer Credit Lawyers, sent the a dispute letter to Trans Union. In this letter, Plaintiff disputed several accounts that did not belong to her as her credit report appeared to be mis-merged with a person by the name of Patricia Ann Williams. With this dispute letter, Plaintiff attached a Request and Writ for Garnishment that Plaintiff received regarding Patricia Ann Williams showing that Plaintiff's information was mixed up with Patricia Ann Williams' information. Plaintiff also attached Plaintiff's social security card and Plaintiff's Affidavit confirming that Plaintiff did not owe the several accounts that we listed in the dispute letters. Plaintiff asked Trans Union to convey her dispute to the account furnishers including Defendant The Swiss Colony, LLC with respect to its trade line.
7. On or about May 17, 2013, Plaintiff received results of Trans Union's investigation. Trans Union deleted all the trade lines but failed to address the Swiss Colony account regarding account number 970802034\*\*\*\* ("Bogus Trade Line").
8. On or about May 22, 2013, Plaintiff received results of the dispute again from Trans Union. This showed that Trans Union was still reporting the Swiss Colony trade line with account number 970802034\*\*\*\*.

9. On or about June 2, 2013, Plaintiff pulled her Trans Union credit report. This Swiss Colony debt with account number 970802034\*\*\*\* was still appearing on Plaintiff's Trans Union credit report.

## **COUNT I**

### **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY THE SWISS COLONY, LLC**

10. Plaintiff realleges the above paragraphs as if recited verbatim.
11. After being informed by Trans Union of the Plaintiff's consumer dispute to the Bogus Trade Line, Swiss Colony negligently failed to conduct a proper reinvestigation of the plaintiff's dispute as required by 15 USC 1681s-2(b).
12. Swiss Colony negligently failed to review all relevant information available to it and provided by each credit reporting agency in conducting its reinvestigation as required by 15 USC 1681s-2(b). Specifically, it failed to direct all of the credit reporting agencies to remove the Bogus Trade Line.
13. The Bogus Trade Line is inaccurate and creating a misleading impression on the Plaintiff's consumer credit file with each credit reporting agency to which it is reporting such trade line.
14. As a direct and proximate cause of Swiss Colony's negligent failure to perform its duties under the FCRA, the plaintiff has suffered damages, mental anguish, suffering, humiliation and embarrassment.

15. Swiss Colony is liable to the plaintiff by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with reasonable attorneys' fees pursuant to 15 USC 1681o.
16. The Plaintiff has a private right of action to assert claims against Swiss Colony arising under 15 USC 1681s-2(b).

**WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment against the Defendant Swiss Colony for damages, costs, interest and attorneys' fees.

## **COUNT II**

### **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY SWISS COLONY**

17. Plaintiff realleges the above paragraphs as if recited verbatim.
18. After being informed by Swiss Colony that the plaintiff disputed the accuracy of the information it was providing, it willfully failed to conduct a proper reinvestigation of the Plaintiff's dispute.
19. Swiss Colony willfully failed to review all relevant information available to it and provided by each such credit reporting agency as required by 15 USC 1681s-2(b).
20. As a direct and proximate cause of Swiss Colony's willful failure to perform its respective duties under the FCRA, the plaintiff has suffered damages, mental anguish, suffering, humiliation and embarrassment.
21. Swiss Colony is liable to the Plaintiff for either statutory damages or actual damages she has sustained by reason of its violations of the FCRA in an amount to be determined by

the trier fact, together with an award of punitive damages in the amount to be determined by the trier of fact, as well as for reasonable attorneys' fees and she may recover therefore pursuant to 15 USC 1681n.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment against Swiss Colony for the greater of statutory or actual damages, plus punitive damages, along with costs, interest and attorneys' fees.

### **COUNT III**

#### **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY TRANS UNION.**

22. Plaintiff realleges the above paragraphs as if recited verbatim.
23. Defendant Trans Union prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding the plaintiff as that term is defined in 15 USC 1681a.
24. Such reports contained information about the Plaintiff that was false, misleading and inaccurate.
25. Trans Union negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to the Plaintiff, in violation of 15 USC 1681e(b).
26. After receiving the Plaintiff's consumer dispute to the Bogus Trade Line, Trans Union negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

27. As a direct and proximate cause of Trans Union's negligent failure to perform its duties under the FCRA, the Plaintiff has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.
28. Trans Union is liable to the plaintiff by reason of its violation of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681o.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment against Trans Union for actual damages, costs, interest and attorneys' fees.

#### **COUNT IV**

#### **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY TRANS UNION.**

29. Plaintiff realleges the above paragraphs as if recited verbatim.
30. Defendant Trans Union prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding the plaintiff as that term is defined in 15 USC 1681a.
31. Such reports contained information about plaintiff that was false, misleading and inaccurate.
32. Trans Union willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to the plaintiffs, in violation of 15 USC 1681e(b).

33. After receiving the Plaintiff's consumer dispute to the Bogus Trade Line, Trans Union willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

34. As a direct and proximate cause of Trans Union's willful failure to perform its duties under the FCRA, the Plaintiff has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.

35. Trans Union is liable to the Plaintiff by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681n.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment against Defendant Trans Union for the greater of statutory or actual damages, plus punitive damages along with costs, interest and reasonable attorneys' fees.

**JURY DEMAND**

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

June 17, 2013

/s/ Gary Nitzkin  
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